

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE:

GENESIS HEALTH VENTURES, INC., et  
al.,

Debtors.

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RICHARD HASKELL et al.,

Plaintiffs-Appellants,

v.

GOLDMAN, SACHS & CO., et al.,

Defendants-Appellees

C.A. No. 05-CV-427 (KAJ)  
Related to Case No. 00-2692 (JHW)  
Jointly Administered

Adv. Pro. No.: 04-53375 (JHW)

**APPENDIX TO  
PLAINTIFFS-APPELLANTS' OPENING MEMORANDUM**

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APPEAL

**U.S. Bankruptcy Court  
District of Delaware (Delaware)  
Adversary Proceeding #: 04-53375-JHW**

*Assigned to:* Judith H. Wizmur

*Date Filed:* 05/03/04

*Related BK Case:* 00-02692

*Related BK Title:* GENESIS HEALTH VENTURES, INC.

*Demand:*

*Nature of Suit:* 498

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---

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<b>Allan H. Stephens</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Susan H. Stephens</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Arthur F. Stolkey Trust, by Arthur F. Stolkey</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Arthur F. Stolkey</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Thomas Stolkey</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Stryk Family Investments LTD, by Stryk Mgmt. Inc.</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Christine Stucker</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>David Stucker</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Mary Rose Stucker</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>William H. Swan</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Larry Waddington</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>John W. Walden</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>John W. Walden IRA, by John A. Walden</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>David C. Watkins</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Byran J. Weinstein, by Caren Weinstein</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Irving Welsted</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Virginia Welsted</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Douglas J. Whitaker</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Mary M. Whitaker</b>	represented by <b>R. Bruce McNew</b> (See above for address)



<b>Rodney L. White Trust, by Rodney White</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Spencer Lee Lisenby</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Stephen Alan Lisenby</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Patricia J. Lisenby</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Steve A. Lisenby, by Steve A. Lisenby</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Richard C. Haskell, Jr</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Amy K. Haskell</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>YSY,LTD, by Logberg Associates</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Louise I G Ireland Trust, by Charles L. Grimes</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Hartley Lord</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Gadfly Foundation, by Charles L. Grimes</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Teri L. Lott</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>David F. Lott</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Ellen Lowe</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>C. Yvonne Cooke, by Charles L. Grimes</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Jane G. Brown, Charles L. Grimes</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Richard Lowe</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Robert Lyons IRA, by Robert A. Lyons</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Serena R. Schwartz, by Charles L. Grimes</b>	represented by <b>R. Bruce McNew</b> (See above for address)

<b>Gordon W. Chaplin, by Charles L. Grimes</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>David Thompson Macmillan</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>David P. Makris</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Michael Groskin</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Morton Gurrentz</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>H.G. Reynolds Co., Inc.</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Kathleen Markis</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Charles Haase</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Patricia Haase</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Kenneth Marks IRA, by Kenneth Marks</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Patricia A. Haase</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Frank N. Martino</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Patricia Haase JT</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Betty Martino</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Alvin Matzer</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Brianne Haase</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Gloria Matzer</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Myrtle E. Harker</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Homer J. Harker</b>	represented by <b>R. Bruce McNew</b> (See above for address)

<b>Mccormick Family Trust, by James R. McCormick</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Frank McGann</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>M.L. Jarvis Inc., by Margaret Hathaway</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Laura McGann IRA, by Laura McGann</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Richard S. Hathaway IRA, by Richard S. Hathaway</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>McGrath Family Trust, by William J. McGrath</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Herman Meinders</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Richard Sanford Hathaway</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Ascher Lawrence Mestel IRA, by Ascher L. Mestel</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Graig W. Miller</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Charles M. Henderson</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>John A Henderson, M.D.</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Graig W. Miller D.C. Plan, by Craig W. Miller</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Craig Miller DEF.PEN. PLAN, by Craig W. Miller</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Craig W. Miller IRA FBO, by Craig W. Miller</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>HAH Ltd. Partnership, by Hyman Hershman</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Alvin Hertzberg Trust, by Nina Hertzberg</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>J. David Higgins Jr. IRA by J. David Higgins Jr.</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Edith G. Hudgins R T, by Elwyn H. Hudgins</b>	represented by <b>R. Bruce McNew</b> (See above for address)

<b>Merriway Travel, by Kurt Huebner</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>John M. Huston</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Eileen C. Huston</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Thomas S. Iulo</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Lori B. Iulo</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Ivey Jackson IRA, by Ben Ivey Jackson</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Solomon Jacobs Trust, by Solomon Jacobs</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Charles H. Jesseph</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Murray L. Kaufman</b>	represented by <b>R. Bruce McNew</b> (See above for address)
<b>Craig W. Miller Roth IRA, by Craig W. Miller</b>	
<b>Linda B. Kaufman</b>	
<b>Florence S. Mitchell</b>	
<b>Masaji Kelley</b>	
<b>Fleetwood Investments L P, by Morton Kent</b>	
<b>Robert E. Montana</b>	
<b>Walter S. Montgomery, Jr.</b>	
<b>Motivational Assoc MP Plan, by Motivational Assoc. c/o GMS</b>	
<b>Albert Nathanson</b>	
<b>Sandra Nathanson</b>	
<b>Joel L. Nesbitt</b>	
<b>Joseph H. Koch Rev TR, by Joseph H. Koch Sr.</b>	
<b>Leonard Ochs</b>	
<b>Paul R. Konsig</b>	

**Paul R. Konsig IRA, by Paul R.  
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**Eric R. Korb**

**Coletta Ochs**

**David Korostoff**

**Edgar A. Kovner**

**G. Richard Kruger, by Glynn R.  
Kruger**

**Thomas L. Lally, Jr.**

**Jo Ann Lally**

**Robert Lande**

**Ronald E. Ostblom**

**Anita Lande**

**Ellen Boyer**

**Rodney Owens**

**Cathy S. Page**

**Serene Peng**

**Edwin H. Leipizig**

**Lindsey Perry**

**Jeffrey Lenzi**

**Mark Plotnik**

**Mark B. Levy IRA, by Mark B. Levy**

**John Lewis**

**John J. Quann**

**Linda Lewis**

**John JT Quann**

**Eillen S. Quann**

**Matthew J. Linsenby**

**V.**

**Defendant**  
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**Goldman Sachs & Co.**

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**Genesis Health Ventures, Inc. et al.**

<b>Filing Date</b>	<b>#</b>	<b>Docket Text</b>
05/03/2004	<u>1</u>	Order dated 4/27/04, signed by the Honorable Sue L. Robinson, Reffering this matter to the Judges of the U.S. Bankruptcy Court for the District of Delaware. Original Record Received from U.S. District Court is Available for Review in the office of the Clerk, U.S. Bankruptcy Court, District of Delaware, 824 Market St., Wilmington, DE. (Civ. No. 04-157) Nature of Suit: 422 (Other Action) (Interdistrict Transfer). (SDA, ) Modified on 5/7/2004 (SDA, ). Additional attachment(s) added on 6/28/2004 (SDA, ). (Entered: 05/07/2004)
05/03/2004	<u>15</u>	Civil Docket Sheet from U.S. District Court, related document(s) <u>1</u> ) Filed by Richard Haskel (SDA, ) (Entered: 06/28/2004)
06/15/2004	<u>2</u>	Motion to Appear pro hac vice of <i>Richard S. Toder, of the Law Firm of Morgan, Lewis &amp; Bockius LLP</i> Filed by Mellon Bank NA. (Duhig, Peter)



		(Entered: 06/15/2004)
06/15/2004	<u>3</u>	Motion to Appear pro hac vice of <i>Menachem O. Zelmanovitz, of the law firm of Morgan, Lewis &amp; Bockius LLP</i> Filed by Mellon Bank NA. (Duhig, Peter) (Entered: 06/15/2004)
06/15/2004	<u>4</u>	Motion to Appear pro hac vice of <i>Ron Baskin, of the law firm of Morgan, Lewis &amp; Bockius LLP</i> Filed by Mellon Bank NA. (Duhig, Peter) (Entered: 06/15/2004)
06/17/2004	<u>5</u>	Motion to Appear pro hac vice <i>Motion and Order for Admission Pro Hac Vice of Dan Chorost, of the law firm of Sive, Paget &amp; Riesel, P.C.</i> Filed by Mellon Bank NA. (Duhig, Peter) (Entered: 06/17/2004)
06/17/2004	<u>6</u>	Motion to Appear pro hac vice <i>Motion and Order for Admission Pro Hac Vice of Steven C. Russo, of the law firm of Sive, Paget &amp; Riesel, P.C.</i> Filed by Mellon Bank NA. (Duhig, Peter) (Entered: 06/17/2004)
06/21/2004	<u>7</u>	Motion to Appear pro hac vice Filed by Charles M. Alberto, Jr., Constance L. Almeroth, Richard D. Almeroth, Donna Kaye Alvey, Madison Arnold, Carolyn L. Aucello, Joseph S. Aucello, James W. Baker, Wiley P. Ballard, Stuart A. Barbour, Jr., Bargain Books&Music, Alice L. Barone, Richard L. Barone, Lindsey H. Barron, David M. Batchelor, Natalie J. Batchelor, Sherry Lynn Bengtson, Judith Bernhang, George Birnbaum, Susan Birnbaum, Elizabeth L. Bishop, John C. Bishop, Richard K. Blum, Ruth M. Blum, Donna K. Alvey IRA, by Donna K. Alvey, Richard Haskell, James W. Baker III Roth IRA, by James W. Baker Jr., James W. Baker IRA, By James W. Baker, John Berwecky, by Francis Berwecky, Leo Boekman & Associates LP, by Leo Boekman, M & M LP 1st Tenn, by 1st Tenn Bank FL 3, Patrick T. Rooney Family L.L.C. Corp., by 1st Nat. Bank of OK, Robert M. Baker MD P.S.P., by Robert M. Baker MD, John A. Robinson, Scott A. Baker Roth IRA, by Scott A. Baker, Scott Arthur Baker UGMA GA, by James W. Baker Jr., Lijun Wang. (Attachments: # <u>1</u> Certificate of Service) (McNew, R.) (Entered: 06/21/2004)
06/21/2004	<u>8</u>	Motion to Allow (and Order) <i>Granting Leave to File Oversize Brief</i> Filed by Charles M. Alberto, Jr., Constance L. Almeroth, Richard D. Almeroth, Donna Kaye Alvey, Madison Arnold, Carolyn L. Aucello, Joseph S. Aucello, James W. Baker, Wiley P. Ballard, Stuart A. Barbour, Jr., Bargain Books&Music, Alice L. Barone, Richard L. Barone, Lindsey H. Barron, David M. Batchelor, Natalie J. Batchelor, Sherry Lynn Bengtson, Judith Bernhang, George Birnbaum, Susan Birnbaum, Elizabeth L. Bishop, John C. Bishop, Richard K. Blum, Ruth M. Blum, Donna K. Alvey IRA, by Donna K. Alvey, Richard Haskell, James W. Baker III Roth IRA, by James W. Baker Jr., James W. Baker IRA, By James W. Baker, John Berwecky, by Francis Berwecky, Leo Boekman & Associates LP, by Leo Boekman, M & M LP 1st Tenn, by 1st Tenn Bank FL 3, Patrick T. Rooney Family L.L.C. Corp., by 1st Nat. Bank of OK, Robert M. Baker MD P.S.P., by Robert M. Baker MD, John A. Robinson,



		Scott A. Baker Roth IRA, by Scott A. Baker, Scott Arthur Baker UGMA GA, by James W. Baker Jr., Lijun Wang.. (Attachments: # <u>1</u> Certificate of Service) (McNew, R.) (Entered: 06/21/2004)
06/21/2004	<u>16</u>	Response to <i>and Memorandum in Opposition to Motion to Dismiss (related doc. (s), <u>19</u>) (DOCUMENT 19-MOTION TO DISMISS WAS FILED IN DISTRICT COURT-DOCKET SHEET CAN BE VIEWED IN CLERK'S OFFICE OF U.S.B.C.)</i> Filed by Richard Haskell (Attachments: # <u>1</u> Attachment Memorandum# <u>2</u> Attachment Memorandum# <u>3</u> Attachment Exhibit A# <u>4</u> Exhibit 2# <u>5</u> Exhibit 3) (SDA, ) (Entered: 06/28/2004)
06/24/2004	<u>9</u>	Motion to Appear pro hac vice of <i>Eric A. Hirsch, Esquire</i> Filed by Goldman Sachs & Co... (Kortanek, Steven) (Entered: 06/24/2004)
06/24/2004	<u>10</u>	Motion to Appear pro hac vice of <i>Sheldon Raab, Esquire</i> Filed by Goldman Sachs & Co... (Kortanek, Steven) (Entered: 06/24/2004)
06/24/2004	<u>11</u>	Motion to Appear pro hac vice of <i>Barry G. Sher, Esquire</i> Filed by Goldman Sachs & Co... (Kortanek, Steven) (Entered: 06/24/2004)
06/25/2004	<u>12</u>	Order Granting Motion for Admission pro hac vice of Richard S. Toder. (Related Doc # <u>2</u> ) Order Signed on 6/18/2004. (BJM) (Entered: 06/25/2004)
06/25/2004	<u>13</u>	Order Granting Motion for Admission pro hac vice of Ron Baskin. (Related Doc # <u>4</u> ) Order Signed on 6/17/2004. (BJM) (Entered: 06/25/2004)
06/25/2004	<u>14</u>	Order Granting Motion for Admission pro hac vice of Menachem O. Zelmanovitz. Related Doc # <u>3</u> ) Order Signed on 6/18/2004. (BJM) (Entered: 06/25/2004)
07/06/2004	<u>17</u>	Order Granting Motion for Admission pro hac vice of H. Adam Prussin. (Related Doc # <u>7</u> ). Signed on 6/28/2004. (BJM) Modified on 7/6/2004 added related document no. (LCN, ). (Entered: 07/06/2004)
07/06/2004	<u>18</u>	Order Granting Motion for Admission pro hac vice of Sheldon Raab.(Related Doc # <u>10</u> ) Order Signed on 6/28/2004. (BJM) (Entered: 07/06/2004)
07/06/2004	<u>19</u>	Order Granting Motion for Admission pro hac vice of Barry G. Sher. (Related Doc # <u>11</u> ) Order Signed on 6/28/2004. (BJM) (Entered: 07/06/2004)
07/06/2004	<u>20</u>	Order Granting Motion for Admission pro hac vice of Eric A. Hirsch. (Related Doc # <u>9</u> ) Order Signed on 6/28/2004. (BJM) (Entered: 07/06/2004)

07/06/2004	<u>21</u>	Order Granting Motion To Allow Leave to File Oversize Brief. (Related Doc # <u>8</u> ) Order Signed on 6/28/2004. (LCN, ) (Entered: 07/06/2004)
07/12/2004	<u>22</u>	Reply of <i>Highland Capital Management, LP, to Plaintiffs' Opposition to Joint Motion to Dismiss</i> (related document(s) <u>16</u> ) Filed by Highland Capital Management, L.P. (Attachments: # <u>1</u> Certificate of Service) (Hogan, Daniel) (Entered: 07/12/2004)
07/12/2004	<u>23</u>	Memorandum of Law <i>Mellon Bank, N.A.'s Supplemental Memorandum in Support of Motion to Dismiss</i> Filed by Mellon Bank NA (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Affidavit) (Duhig, Peter) (Entered: 07/12/2004)
07/12/2004	<u>24</u>	Reply - <i>GOLDMAN SACHS AND CO.'S SUPPLEMENTAL REPLY TO PLAINTIFFS' OPPOSITION TO JOINT MOTION TO DISMISS PLAINTIFFS' COMPLAINT</i> Filed by Goldman Sachs & Co. (Attachments: # <u>1</u> Certificate of Service) (Kortanek, Steven) (Entered: 07/12/2004)
07/12/2004	<u>25</u>	Exhibit <i>Notice of Filing of Amended Exhibit Z to the "Appendix of Exhibits to Defendants' Joint Motion to Dismiss Plaintiffs' Complaint"</i> Filed by Genesis Health Ventures, Inc. et al. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Certificate of Service and Service List) (Wolfe, Etta) (Entered: 07/12/2004)
07/12/2004	<u>26</u>	Motion for Leave <i>Debtor's Unopposed Motion for Order Granting Leave to Exceed Page Limit Requirements with Respect to Defendants' Joint Reply to Plaintiffs' Opposition to Motion to Dismiss Plaintiffs' Complaint</i> Filed by Genesis Health Ventures, Inc. et al... (Wolfe, Etta) (Entered: 07/12/2004)
07/12/2004	<u>27</u>	Joint Reply <i>Defendants' Joint Reply to Plaintiffs' Opposition to Motion to Dismiss Plaintiffs' Complaint</i> Filed by Genesis Health Ventures, Inc. et al. (Attachments: # <u>1</u> Certificate of Service and Service List) (Wolfe, Etta) (Entered: 07/12/2004)
07/13/2004	<u>28</u>	Exhibit <i>Exhibits to Defendants' Joint Reply to Plaintiffs' Opposition to Motion to Dismiss Plaintiffs' Complaint</i> Filed by Genesis Health Ventures, Inc. et al. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Certificate of Service and Service List) (Wolfe, Etta) (Entered: 07/13/2004)
07/14/2004	<u>29</u>	Notice of Agenda of Matters Scheduled for Hearing ( <i>Oral Argument</i> ). Hearing scheduled for 7/16/2004 at 11:00 AM at US Bankruptcy Court, Mitchell H. Cohen Courthouse, Courtroom #4B, Camden, NJ. (Wolfe, Etta) (Entered: 07/14/2004)
07/14/2004	<u>30</u>	Motion to Appear pro hac vice of <i>Diane Harvey of Weil, Gotshal &amp; Manges, LLP</i> Filed by Genesis Health Ventures, Inc. et al.. (Silberglied,

		Russell) (Entered: 07/14/2004)
07/26/2004	<u>31</u>	Order Granting Motion To Appear pro hac vice for Diane Harvey (Related Doc # <u>30</u> ) Order Signed on 7/16/2004. (TK, ) (Entered: 07/26/2004)
08/04/2004	<u>32</u>	Order Granting Motion for Admission pro hac vice of Dan Chorost Signed on 07/26/2004. (Related Doc # <u>5</u> ) (DKF, ) (Entered: 08/04/2004)
08/04/2004	<u>33</u>	Order Granting Motion for Admission pro hac vice of Steven C. Russo Signed on 07/26/2004. (Related Doc # <u>6</u> ) (DKF, ) (Entered: 08/04/2004)
10/14/2004	<u>34</u>	Notice of Change of Address of <i>The Hogan Firm, f/k/a Daniel K. Hogan, Attorney at Law</i> Filed by Highland Capital Management, L.P. (Hogan, Daniel) (Entered: 10/14/2004)
04/27/2005	<u>35</u>	Opinion Issued By the Honorable Judith H. Wizmur, Dated April 27, 2005, On The Joint Motion to Dismiss. (JSJ, ) (Entered: 04/27/2005)
05/03/2005	<u>36</u>	(AMENDED) Opinion Issued by The Honorable Judith H. Wizmur, Dated May 3, 2005, on Joint Motion To Dismiss (JSJ, ) (Entered: 05/3/2005) (related document(s) <u>35</u> ) (JSJ, ) (Entered: 05/03/2005)
05/03/2005	<u>37</u>	Certification of Counsel Regarding Order Dismissing Plaintiffs' Complaint (Re: Docket Nos. <u>35</u> , <u>36</u> ). (Silberglied, Russell) (Entered: 05/03/2005)
05/04/2005	<u>38</u>	Affidavit of Service Re: Docket Nos. [2285] & <u>37</u> . (Silberglied, Russell) (Entered: 05/04/2005)
05/10/2005	<u>39</u>	Order Dismissing Plaintiffs' Complaint (related document(s) <u>35</u> , <u>37</u> , <u>36</u> ) Order Signed on 5/10/2005. (JSJ, ) (Entered: 05/10/2005)
05/10/2005	<u>40</u>	Notice of Appeal (AP#05-33) to May 10, 2005 Order Dismissing Plaintiffs' Complaint. Fee Amount \$255. (related document(s) <u>39</u> ) Filed by Charles M. Alberto, Jr., Constance L. Almeroth, Richard D. Almeroth, Donna Kaye Alvey, Madison Arnold, Carolyn L. Aucello, Joseph S. Aucello, James W. Baker, Wiley P. Ballard, Stuart A. Barbour, Jr., Bargain Books&Music, Alice L. Barone, Richard L. Barone, Lindsey H. Barron, David M. Batchelor, Natalie J. Batchelor, Sherry Lynn Bengtson, Judith Bernhang, George Birnbaum, Susan Birnbaum, Elizabeth L. Bishop, John C. Bishop, Richard K. Blum, Ruth M. Blum, Donna K. Alvey IRA, by Donna K. Alvey, Richard Haskel, James W. Baker III Roth IRA, by James W. Baker Jr., James W. Baker IRA, By James W. Baker, John Berwecky, by Francis Berwecky, Leo Boekman & Associates LP, by Leo Boekman, M & M LP 1st Tenn, by 1st Tenn Bank FL 3, Patrick T. Rooney Family L.L.C. Corp., by 1st Nat. Bank of OK, Robert M. Baker MD P.S.P., by Robert M. Baker MD, John A. Robinson, Scott A. Baker Roth IRA, by Scott A. Baker, Scott Arthur Baker UGMA



		GA, by James W. Baker Jr., Lijun Wang Appellant Designation due by 5/20/2005. (Attachments: # <u>1</u> Certificate of Service to Notice of Appeal from 5.10.05 Order and Judgment of Dismissal)(McNew, R.) Modified Text to add appeal #) on 5/11/2005 (SDJ, ). (Entered: 05/10/2005)
05/11/2005	<u>41</u>	Receipt of filing fee for Notice of Appeal (Ap)(04-53375-JHW) [appeal,ntcapl] ( 255.00). Receipt Number 2043637, amount \$ 255.00. (U.S. Treasury) (Entered: 05/11/2005)
05/19/2005	<u>42</u>	Appellant Designation of Contents For Inclusion in Record On Appeal-(AP#05-33) <i>and Statement of Issues to be Presented On Appeal</i> (related document(s) <u>40</u> ) Filed by A Gottscho Ret Plan, by Eva Gottscho, Charles M. Alberto, Jr., Alesi IRA, by Frank S. Russo - Alesi, Constance L. Almeroth, Richard D. Almeroth, Susan L. Altman, Donna Kaye Alvey, Amy Margaret Dunagin Uokutma by Emily B. Dunagin, Antonio Capone IRA, by Antonio Capone, Madison Arnold, Ascher Lawrence Mestel IRA, by Ascher L. Mestel, Carolyn L. Aucello, Joseph S. Aucello, James W. Baker, Wiley P. Ballard, Stuart A. Barbour, Jr., Bargain Books&Music, Alice L. Barone, Richard L. Barone, Barr H. Gardner C/FB Gardner, by Barr H. Gardner, Lindsey H. Barron, David M. Batchelor, Natalie J. Batchelor, Sherry Lynn Bengtson, Judith Bernhang, Beverly S. Clark Trust, by Exec Consultants Inc., George Birnbaum, Susan Birnbaum, Elizabeth L. Bishop, John C. Bishop, Richard K. Blum, Ruth M. Blum, Edlyne B Boyer, Lyman C. Brand, Alan Bresler, Brian J. Davis Ugtmaga, by Phillip H. Davis, Ann Noble Brown, David Brown, Brush & Co., Wiliam J. Burnside, Byran J. Weinstein, by Caren Weinstein, C. Yvonne Cooke, by Charles L. Grimes, Donna Cash, Elma Cesare, John D. Cesare, Raymond F. Chaney, Stan Charlse, Lillian H. Cheney, Diane Clemente, Allen W. Close, Judith Collentine, Thomas Collentine, Dorothy A. Connelly, Robert L. Council, Theo C. Council, Wiley M. Crittenden, Richard S. Daimond, Oliver H. Dale, Parks H. Dalton, David M. Robinson IRA,by David M. Robinson, James Davies, Dorothy Davis, Phillip H. Davis, Ray Davis, Paul Deputy, Charles Doggett, Julie M. Donahue, Timothy J. Donahue, Donna K. Alvey IRA, by Donna K. Alvey, Frank Donnelly, Mildred Donnelly, Lawrence W. Drinkard, Shyam Dube, Marshall C. Duke, Edlyne B. Boyer IRA. by Edlyne B. Boyer, Elizabeth F. Egan, Francis C. Egan, Elizabeth F. Egan IRA, by Elizabeth F. Egan, Emily B. Dunagin IRA, by Emily B. Dunagin, Emily B. Dunagin Trust, by Emily B. Dunagin, Nancy Ennis, Robert B. Faber, Charles R. Faires, Sandra J. Faires, Gail Faleck, Victor Faleck, Alfred J. Fantani, Mary A. Fantini, Martin Farbenblum, Dale R. Feeney, Irving Feldbaum, Barbara Feldman, Richard Feldman, Flora B. Giffuni Trust, by Flora Giffuni, Thomas T. Folger, James H. Foster, Lauren Fouros, GMS Group LLC Atlanta Trading Acct, by GMS Group LLC, Gadfly Foundation, by Charles L. Grimes, Barr H. Gardner, III, Catherine C. Gardner, by Jamie G. Rutan, Julia A. Gasaway, Robert D. Gasaway, III, Harold L. Gilbert, Art Gittelman, Raymond J. Glass, Goldman Family Trust, by Harold S. Goldman, Gordon W. Chaplin, by Charles L. Grimes, Samuel Gorenstein, Accursio Graffeo, Lana Graffeo, Graig W. Miller D.C. Plan, by Craig W. Miller, Charles Livingston Grimes, Michael Groskin, Morton Gurrentz, H.G. Reynolds Co., Inc.,

Brianne Haase, Charles Haase, Patricia Haase, Patricia A. Haase, Patricia Haase JT, Homer J. Harker, Myrtle E. Harker, Amy K. Haskell, Kelly Haskell, Richard Haskell, Susan Haskell, Richard C. Haskell, Jr, Richard Sanford Hathaway, Helen C. Burnside IRR Trust, by William J. Burnside, Charles M. Henderson, John A Henderson, M.D., James B Connelly IRA, by James B. Connelly, James L. Dunagin Jr. IRA, by James L. Dunagin Jr., James L. Dunagin Jr. Trust by Emily B. Dunagin, James W. Baker III Roth IRA, by James W. Baker Jr., James W. Baker IRA, By James W. Baker, Jane G. Brown, Charles L. Grimes, Janet Leigh Dunagin Uokutma by Emily B. Dunagin, John Berwecky, by Francis Berwecky, John Glouse IRA, by John Glouse, John S. Schwarzschild Trust, by Exec Consultants Inc. plaintiff, John W. Walden IRA, by John A. Walden, Joremi Enterprises Inc PSP, by Hilton Schwartz, Judith Goodman Rev TR, by Judith H. Goodman, Katherine Rae Clark UGTMA, by Stuart Schwarzschild, Kathryn G. Cravero TR, by Kathryn G. Cravero, Sara Kavanaugh, Kellie Len Burnside IRR Trust, by William J. Burnside, Kenneth Marks IRA, by Kenneth Marks, Kildonan Partners, by John A. Robinson, Laura McGann IRA, by Laura McGann, Leo Boekman & Associates LP, by Leo Boekman, Patricia J. Lisenby, Spencer Lee Lisenby, Stephen Alan Lisenby, Steve A. Lisenby, by Steve A. Lisenby, Hartley Lord, David F. Lott, Teri L. Lott, Louise I G Ireland Trust, by Charles L. Grimes, Ellen Lowe, Richard Lowe, M & M LP 1st Tenn, by 1st Tenn Bank FL 3, M.L. Jarvis Inc., by Margaret Hathaway, David Thompson Macmillan, David P. Makris, Margaret W. Shuttleworth Rev TR, by Margaret W. Shuttleworth, Kathleen Markis, Betty Martino, Frank N. Martino, Mary G. Davis, by Phillip H. Davis, Alvin Matzer, Gloria Matzer, Frank McGann, McGrath Family Trust, by William J. McGrath, McCormick Family Trust, by James R. McCormick, Herman Meinders, Melvin Feldman IRA, by Melvin Feldman, Merle Dinkins Trust, by Merle Dinkins, Michael Boyer IRA, by Michael F. Boyer, Graig W. Miller, Patricia R. Robinson IRA, by Patricia R. Robinson, Patrick T. Rooney Family L.L.C. Corp., by 1st Nat. Bank of OK, Marcia J. Pearl, Phillip H. Davis III Trust, by Phillip H. Davis, Eileen Streets Quann, Beatrice Radin, Ethel Raffelock, Ramada Plaza Hotel, by Bonnie Ruben, Nancy Rea, Joan G. Reader, Malcom C. Reader, Patricia Reed, Ronald Reed, Brandon A. Reynolds, E. Leland Reynolds, Jeffrey Reynolds, Rebecca Reynolds, Richard S. Hathaway IRA, by Richard S. Hathaway, Mary G. Richardson, Joe F. Riley, Robert Lyons IRA, by Robert A. Lyons, Robert M. Baker MD P.S.P., by Robert M. Baker MD, John A. Robinson, Robinson Eye Profit Share, by John A. Robinson, Rock Revocable Trust, by Reinhart F. Rock, Rodney L. White Trust, by Rodney White, Rosenberg Trust, by Ludwig Rosenberg, Bonnie Ruben, Frank S. Russo, Jean M. Russo, Rudolph P. Russo, Alfred Saks, Samuel Friedland Trust, by Samuel E. Friedland, Wanda J. Schaffner, George Schneider, Hilton Schwartz, Stuart Schwarzschild, Scott A. Baker Roth IRA, by Scott A. Baker, Scott Arthur Baker UGMA GA, by James W. Baker Jr., Serena R. Schwartz, by Charles L. Grimes, Jean B. Sherrod, Fred Soussa, Alexander C. Speyer Jr., Marc Spurr, Susan Spurr, Murray Stadtmauer, Stanley Sommer Rev Living Trust, by Stanley Sommer, Michael Steets, Allan H. Stephens, Susan H. Stephens, Arthur F. Stolkey, Thomas Stolkey, Arthur F. Stolkey Trust, by Arthur F. Stolkey, Millicent